

Application No. 10/817,435
Amendment dated August 28, 2006
Reply to Office Action of May 4, 2006

REMARKS

**Reconsideration And Allowance
Are Respectfully Requested.**

Claims 1-20 are currently pending. Claims 1, 3, 4, 10, 11, 14, 15, 17 and 19 have been amended. No claims have been added. No claims have been canceled. No new matter has been added. Reconsideration is respectfully requested.

Applicant would first like to thank the Examiners for the courtesies extended during the interview conducted on August 16, 2006. During the course of this interview, U.S. Patent No. 5,535,881 to Krivec was discussed as it relates to the pending claims.

After discussing the prior art in detail, it was agreed that Applicant would amend the claims in an effort to define around the prior art.

With regard to the rejections based upon § 112, second paragraph, Applicant has amended claims 4, 11, 14, 15 and 17 and these claims are now believed to comply with § 112, second paragraph. As such, Applicant respectfully requests the outstanding rejections be withdrawn.

With regard to the rejections based upon prior art, claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Krivec. This rejection is respectfully traversed in view of the preceding amendments and the remarks which follow. In particular, claims 1 and 10 have been amended to substantially define an article holding device including a compartment, or a plurality of compartments, each including sidewalls and an open upper end. A resilient biasing member is contained within the compartment. The biasing member extends between the sidewalls of the

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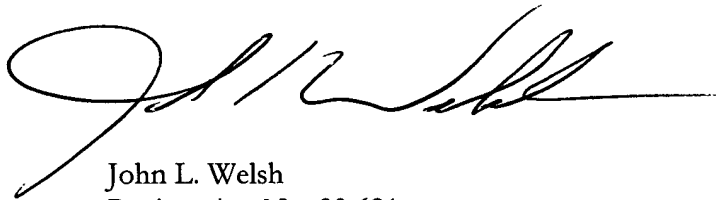
compartment such that the resilient energy stored within the biasing member holds an article in a fixed orientation between the biasing member and one of the sidewalls. The resilient biasing member is formed from a resilient plastic which is in the form of a hollow teardrop-shape and includes a free first end and a second end from which a connecting leg depends for attachment with the compartment.

In contrast to the claimed invention, Krivec does not disclose a resilient biasing member in the form of a hollow teardrop-shape. In addition, Krivec does not disclose or suggest such a biasing member having a free first end and a second end from which a connecting leg depends for attachment with the compartment.

With the foregoing in mind, Krivec fails to disclose each of the limitations of amended claim 1 and Applicant respectfully requests the rejection be withdrawn.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John L. Welsh', with a long horizontal flourish extending to the right.

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